

## STEPTOE &amp; JOHNSON LLP

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October 30, 2008

Via FACSIMILE 212-805-6326

Hon. Colleen McMahon  
United States District Judge  
United States Courthouse  
500 Pearl St., Room 640  
New York, NY 10007

MEMO ENDORSED

Re: *Burberry Limited v. Euro Moda, Inc. et al.*  
Southern District of New York, Docket No. 08 CV 5781 (CM)(AJP)

Dear Judge McMahon:

We are in receipt of your October 27, 2008 Endorsed Memo authorizing Burberry to file its summary judgment motion under seal.

Burberry appreciates the protections afforded by sealed motion. Absent a protective order, however, there are no court-ordered prohibitions to enforce against the improper use or dissemination of the highly sensitive commercial information that will accompany Burberry's summary judgment motion. For example, Burberry intends to submit evidence proving the counterfeit nature of the Defendants' merchandise. This evidence will provide insight into the discrepancies between authentic and counterfeit Burberry merchandise. Such information is highly confidential and should be guarded by a protective order.

Burberry respectfully requests the opportunity to formally move the Court for entry of a protective order before filing its summary judgment motion. This would provide Mr. Fanning (the only party who did not stipulate to the order) to object or respond to Burberry's motion. Burberry would then file its summary judgment motion promptly following the conclusion of the briefing and the Court's decision on the protective order motion. Burberry's request would not significantly delay the resolution of this matter and will serve to safeguard Burberry's sensitive commercial information.

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you what to do -  
Colleen McMahon  
10/30/08

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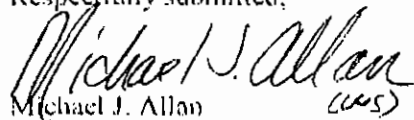
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Hon. Colleen McMahon  
October 30, 2008  
Page 2

SEPTON & JOHNSON LLP

Thank you for Your Honor's consideration in this matter.

Respectfully submitted,

  
Michael J. Allan

cc: Kirk G. Downing, Esq.  
John Smargiassi, Esq.  
John Fanning  
(via electronic mail)